

**ASSEMBLY BILL**

**No. 1049**

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**Introduced by Assembly Member Torrico**

February 27, 2009

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An act to amend Section 362.04 of the Welfare and Institutions Code, relating to foster parents.

LEGISLATIVE COUNSEL'S DIGEST

AB 1049, as introduced, Torrico. Foster parents: babysitters.

Existing law requires a foster parent to use a reasonable and prudent parent standard, as described, in selecting a babysitter to provide occasional short-term babysitting for a foster child, as specified.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 362.04 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 362.04. (a) For purposes of this section:
- 4 (1) "Caregiver" means any licensed or certified foster parent,
- 5 approved relative caregiver, or approved nonrelative extended
- 6 family member.
- 7 (2) "Reasonable and prudent parent" or "reasonable and prudent
- 8 parent standard" means the standard characterized by careful and
- 9 sensible parental decisions that maintain the child's health, safety,
- 10 and best interest.

1 (3) “Short-term” means no more than 24 consecutive hours.

2 (b) (1) Every caregiver may arrange for occasional short-term  
3 babysitting of ~~their~~ a foster child *for whom the caregiver is*  
4 *licensed, certified, or approved to provide care* and allow  
5 individuals to supervise the foster child for the purposes set forth  
6 in Section 362.05, or on occasions, including, but not limited to,  
7 when the foster parent has a medical or other health care  
8 appointment, grocery or other shopping, personal grooming  
9 appointments, special occasions for the foster parents, foster parent  
10 training classes, school-related meetings (such as parent-teacher  
11 conferences), business meetings, adult social gatherings, or an  
12 occasional evening out by the foster parent.

13 ~~(e)~~

14 (2) Caregivers shall use a reasonable and prudent parent standard  
15 in determining and selecting appropriate babysitters for occasional  
16 short-term use.

17 ~~(d)~~

18 (3) The caregiver shall endeavor to provide the babysitter with  
19 the following information before leaving the child for purposes of  
20 short-term care:

21 ~~(1)~~

22 (A) Information about the child’s emotional, behavioral, medical  
23 or physical conditions, if any, necessary to provide care for the  
24 child during the time the foster child is being supervised by the  
25 babysitter.

26 ~~(2)~~

27 (B) Any medication that should be administered to the foster  
28 child during the time the foster child is being supervised by the  
29 babysitter.

30 ~~(3)~~

31 (C) Emergency contact information that is valid during the time  
32 the foster child is being supervised by the babysitter.

33 ~~(e)~~

34 (c) Babysitters selected by the caregiver to provide occasional  
35 short-term care to a foster child under the provisions of this section  
36 shall be exempt from any department regulation requiring health  
37 screening or cardiopulmonary resuscitation certification or training.

38 ~~(f)~~

39 (d) Each state and local entity shall ensure that private agencies  
40 that provide foster care services to dependent children have policies

- 1 consistent with this section. Policies that are not consistent with
- 2 this section include those that are incompatible with, contradictory
- 3 to, or more restrictive than this section.

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